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### AMENDMENT TRANSMITTAL FORM

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Customer No.: 23696  
Attorney Docket No.: QCPA235RE  
In Re Application of: Yafuso, et al.  
Serial Number: 09/881,410  
Filed: June 14, 2001  
Examiner: Dang Ton  
Group Art Unit: 2666

Dear Sir:

Transmitted herewith for filing is a Response to Office Action in the above identified application.

CLAIMS	(a) Number Remaining After Amendment	(b) Highest Number Previously Paid For	(c) Extra Claims	Large Entity Fee	Fee Paid		
Total*	77	22	55	x \$50 =	\$2750.00		
Independent**	16	4	12	x \$200 =	\$2400.00		
Multiple Dependent Claim(s):	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			\$360	\$		
EXTENSION FEES	<input type="checkbox"/> One Month		\$120	\$			
	<input type="checkbox"/> Two Months		\$450	\$			
	<input checked="" type="checkbox"/> Three Months		\$1020	\$1020.00			
TERMINAL DISCLAIMER			\$130	\$			
			TOTAL FEE	\$	\$6170.00		

\*If the number in column a is less than 20, enter 0 in column c.

\*\*If the number in column a is less than 3, enter 0 in column c.

4.  Fee check in the amount of \$\_\_\_\_\_ is enclosed to pay for any claim and/or extension fees.
5.  Please charge Deposit Account No. 17-0026 of QUALCOMM Incorporated the amount of \$6170.00.  
The Commissioner is hereby authorized to charge payment of any additional fees that may be required, or credit any overpayment to said Deposit Account No. 17-0026. A duplicate of this sheet is enclosed for fee processing.
6.  The Commissioner is further hereby authorized to charge to said Deposit Account No. 17-0026, pursuant to 37 CFR 1.25(b), any fee whatsoever which may become properly due or payable, as set forth in 37 CFR 1.16 to 37 CFR 1.18 inclusive, for the entire pendency of this application without specific additional authorization.

Date: July 11, 2005

Signature: 

Richard A. Bachand, Reg. No. 25,107  
Phone No. (858) 845-8503

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
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### CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

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deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name: Victoria J. Pacey  
(type or print name)

Date: July 11, 2005

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(type or print name)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Examiner: Dang T. Ton

Applicant: Yafuso et al.

Group Art Unit: 2666

Serial No.: 09/881,410

Filed: June 14, 200

For: METHOD AND APPARATUS FOR PROVIDING A PRIVATE COMMUNICATION SYSTEM IN A PUBLIC SWITCHED TELEPHONE

PETITION UNDER 35 U.S.C. §118 AND 37 C.F.R. §1.47  
TO ALLOW COINVENTORS TO SIGN DOCUMENTS ON BEHALF OF INVENTOR WHO  
CANNOT BE FOUND OR REACHED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

After diligent effort one of the coinventors, Eric J. Lekven, cannot be found or reached, or refuses to execute declaration documents necessary to preserve the rights of the parties or to prevent irreparable damage.

Accompanying this petition is a declaration signed by the undersigned indicating the steps taken to obtain the signature of coinventor Eric J. Lekven.

Petition is therefore hereby made to allow the remaining coinventors to sign such declaration documents on behalf of coinventor Eric J. Lekven.

STATEMENT OF FACTS ESTABLISHING LACK OF SIGNATURE OF AN INVENTOR

Applicant left a voicemail message the week of August 9th and did not receive a return phone call.

Applicant left a voicemail message the week of August 23rd and did not receive a return phone call.

07/14/2005 HYUONG1 00000017 170026 09881410

03 FC:1463 200.00 DA

Applicant mailed Declaration to Inventor by overnight mail on September 10, 2004 and enclosed a postage paid self addressed envelope so the Declaration could be returned. The Declaration has not been returned.

Applicant attempted to locate a new address and/or phone number on September 15, 2004 by contacting the Human Resources Department and searching the internet and could locate only the same address and phone numbers.

The last known address Applicant has for Erik Lekven is:

1655 Calliandra Rd.

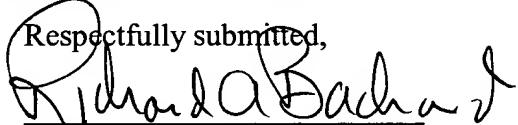
Carlsbad, CA 92009

The last known phone number Applicant has for Erik Lekven is:

(760) 632-9518

It is therefore submitted that the failure of Erik Lekven to respond after being presented with phone calls and the Reissue Declaration itself constitutes Applicant being unable to locate inventor. Applicants respectfully request to proceed with the subject reissue application. Each of the other joint inventors have signed the Reissue Declaration which is being submitted concurrently herewith.

The Commissioner is hereby authorized to charge the petition fee of \$130.00 and any additional fees which may be required to Deposit Account No. 17-0026.

Respectfully submitted,  


Richard A. Bachand  
Reg. No. 25,107

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5775 Morehouse Drive G-215G  
San Diego, CA 92121  
Tel.: (858) 845-8503



Attorney Docket No. QCPA235RE

09/881,410

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Applicant: Yafuso, et al

Group Art Unit: 2666

Serial No.: 09/881,410

Examiner: Dang Ton

Filed: June 14, 2001

For: METHOD AND APPARATUS FOR PROVIDING A PRIVATE  
COMMUNICATION SYSTEM IN A PUBLIC SWITCHED TELEPHONE NETWORK

SECOND CORRECTED PRELIMINARY AMENDMENT IN REISSUE APPLICATION

IN RESPONSE TO OFFICE ACTION DATED 3/10/05

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir

In response to the Office Actions of December 30, 2002, May 18, 2004, and March 10, 2005, applicants resubmit this amendment. Please amend the above-identified application as follows:

Applicant through his attorney respectfully requests that the three month shortened statutory period for response to the outstanding Office Action of **March 10, 2005**, due **April 10, 2005**, be extended three (3) months under 37 CFR § 1.136(a) to **July 11, 2005**, (July 10, 2005 is a Sunday).

Please charge Deposit Account No. 17 - 0026 of QUALCOMM Incorporated in the amount of \$1020.00 to pay the necessary fee due under 37 CFR § 1.17 to extend the period for response three months from April 10, 2005, to July 11, 2005. The Commissioner is hereby further authorized to charge payment of any additional fees which may be required, or credit any overpayment, to Deposit Account No. 17 - 0026.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

July 11, 2005

(Date of Deposit)

Victoria J. Pacey

(Name of person making deposit)

(Signature)

07/14/2005 HVUONG1 00000017 170026 09881410

01 FC:1202 2750.00 DA  
02 FC:1201 2400.00 DA

07/14/2005 HVUONG1 00000017 170026 09881410

04 FC:1253 1020.00 DA

IN THE CLAIMS

For the convenience of the examiner, original, unamended claims 1 – 22 are set forth as follows:

1. (Original) In a communication system in which users communicate through a switched telephone network, a private communication network for facilitating communication among a plurality of member user telephone sets said private communication network comprising:

a network call manager including:

a telephone network interface for establishing a telephone connection with each of said plurality of member users over a plurality of channels of said switched telephone network, respectively,

a switch matrix, coupled to said telephone network interface, for providing an information signal received by said telephone network interface over one of said plurality of channels simultaneously to a plurality of others of said channels via said telephone network interface, and

a controller for configuring said switch matrix in response to talk request signals received over a selected one of said plurality of channels; and

a plurality of eligible member user telephone sets disposed for simultaneous communication over said plurality of channels, each of said eligible member user telephones sets including means for generating one of said talk request signals, at least some of said eligible member user telephone sets being connected to the private communication network through a wireless communications system.

2. (Original) The private communication network of claim 1 wherein said controller means including means for identifying said selected one of said plurality of channels by choosing among ones of said talk request signals received over corresponding ones of said plurality of channels.

3. (Original) The private communication network of claim 1 wherein a selected one of said plurality of authorized telephone sets includes:

vocoder means for digitally processing input information in order to produce a sequence of vocoder data packets, and

modem means for generating said information signal using said vocoder data packets.

4. (Original) The private communication network of claim 3 wherein said modem means includes means for multiplexing said talk request signal with said vocoder data packets and for using the result during formation of said information signal.

5. (Original) The private communication network of claim 1 wherein said controller means includes means for verifying that said information signal received over said selected one of said plurality of channels was generated by a given one of said plurality of authorized telephone sets.

6. (Original) The private communication network of claim 5 wherein said controller means includes means for configuring said telephone network interface to call other ones of said authorized telephone sets subsequent to receipt by said network call manager of said information signal from said given one of said plurality authorized telephone sets.

7. (Original) The private communication network of claim 1 further including wireless network means for operatively coupling one of said plurality of authorized telephone sets to a corresponding one of said plurality of channels.

8. (Original) The private communication network of claim 1 wherein each of said plurality of authorized telephone set includes means for generating an encrypted signal by encrypting an information signal provided by one of said member users, said encrypted signal being transmitted over a corresponding one of said plurality of channels.

9. (Original) The private communication network of claim 8 wherein each of said plurality of authorized telephone sets includes means for recovering one of said information signals from one of said encrypted signals transmitted over a corresponding one of said channels.

10. (Original) In a communication system in which users communicate through a switched telephone network, a network call manager for facilitating private communication

simultaneously among a plurality of member user telephone sets, at least some of said member user telephone sets being connected to the private communication network through a wireless communications system, said network call manager comprising:

    a telephone network interface for establishing a telephone connection with each of a plurality of said member user telephone sets, including at least a plurality of said member user telephone sets that are connected to the private communication network through the wireless communications system, over a corresponding plurality of channels of said switched telephone network;

    a switch matrix, coupled to said telephone network interface, for providing an information signal received over a selected one of said plurality of channels simultaneously to other ones of said plurality of channels via said telephone network interface; and

    controller means for configuring said switch matrix in response to control information received over at least one of said plurality of channels.

11. (Original) The network call manager of claim 10 wherein said controller means includes a controller for selecting said selected one of said plurality of channels in response to a talk request signal received over said selected one of said plurality of channels.

12. (Original) The network call manager of claim 11 further including wireless network means for establishing communication between at least one of said member users and said switched telephone network.

13. (Original) The network call manager of claim 12 wherein said controller means includes arbitration means for choosing said selected one of said plurality of channels on the basis of talk request signals received from ones of said member users over corresponding ones of said plurality of channels.

14. (Original) The network call manager of claim 13 wherein said controller means includes means for informing ones of said member users via corresponding ones of said plurality of channels of the identity of a selected member user providing said information signal over said selected one of said plurality of channels.

15. (Original) The network call manager of claim 14 wherein said controller means includes means for informing at least one of said member users via a corresponding one of said plurality of channels of the identities of ones of said member users associated with corresponding ones of said plurality of channels.

16. (Original) In a private communication network system in which users communicate through a switched telephone network, a method for facilitating private communication among a plurality of eligible member user telephone sets, at least some of said eligible member user telephone sets being connected to the private communication network through a wireless communications system, said method comprising the steps of:

establishing a telephone connection between a network call manager and each of a plurality of telephone channels of said switched telephone network, each of said plurality of telephone channels being associated with one of said plurality of eligible member user telephone sets;

providing an information signal received at said network call manager over a selected one of said plurality of telephone channels from an active one of said eligible member user telephone sets simultaneously to a plurality of other ones of said eligible member user telephone sets over other ones of said plurality of telephone channels;

generating talk request signals substantially simultaneously at a plurality of said eligible member telephone sets for transmission to said network call manager via said switched telephone network; and

choosing said active eligible member user telephone set on the basis of said talk request signals received at said network call manager.

17. (Original) The method of claim 16 further including the step of identifying said selected telephone channel by choosing among ones of said talk request signals received over corresponding ones of said plurality of telephone channels.

18. (Original) The method of claim 16 further including the steps of digitally processing information from said active member user in order to produce a sequence of vocoder data packets for modem transmission to said network call manager.

19. (Original) The method of claim 16 further including the step of coupling said information signal from said active member user through a wireless communication network to said selected one of said plurality of telephone channels.

20. (Original) The method of claim 16 further including the steps of:  
encrypting information signals generated within the one of said plurality of telephone sets associated with said active member user;  
transmitting the encrypted information signals to said network call manager; and  
decrypting the encrypted information signals received from said network call manager at the ones of said plurality of telephone sets associated with said other ones of said member users.

21. (Original) In a communication system in which users communicate through a switched telephone network, a private communication network for facilitating communication among a plurality of member user telephone sets, said private communication network comprising:

a network call manager including:  
a telephone network interface for establishing a telephone connection with each of a plurality of telephone lines of said switched telephone network, each of said plurality of telephone lines being associated with one of said plurality of member user telephone sets,  
a switch matrix, coupled to said telephone network interface, for providing an information signal received over a selected one of said plurality of telephone lines simultaneously to other ones of said plurality of telephone lines via said telephone network interface, and  
controller means for configuring said switch matrix in response to talk request signals received over said plurality of telephone lines; and  
a plurality of eligible member user telephone sets, at least some of said eligible member user telephone sets being connected to the private communication network through a wireless communications system, disposed for simultaneous communication over said plurality of telephone lines, each of said eligible member user telephone sets including means for generating one of said talk request signals.

22. (Original) The private communication network of claim 21 wherein said controller means including means for identifying said selected telephone line by choosing among ones of said talk request signals received over corresponding ones of said plurality of telephone lines.

Newly added claims 23 – 81 are as follows. Claims 28, 32, 34 - 36 have been amended during the prosecution of this application, since the original preliminary amendment was filed.

23. In a wireless communication system, a method comprising:  
transmitting a data frame;  
transmitting a push-to-talk frame subsequent to the data frame; and  
transmitting a second data frame subsequent to the push-to-talk data frame.

24. The method as in claim 23, wherein the push-to-talk frame initiates a push-to-talk communication.

25. The method as in claim 24, wherein the second data frame is directed to a private network.

26. The method as in claim 23, further comprising:  
identifying the second data frame as a push-to-talk frame for communication in the private network.

27. The method as in claim 23, wherein the second data frame is part of an encrypted message, the method further comprising:  
identifying a packet boundary of the encrypted message.

28. A program embodied on a computer-readable medium containing computer-executable instructions to transmit a data signal structure embodied on a carrier wave, comprising:  
a first set of instructions for transmitting a first vocoder packet;

a second set of instructions for transmitting generating a push-to-talk packet subsequent to the first vocoder packet; and

a third set of instructions for transmitting a second vocoder packet.

29. A mobile station capable of voice communications through a wireless communication network, comprising:

a switch operative to generate push-to-talk signals;

a processor coupled to the switch, operative to generate a push-to-talk data packet based on at least one of said push-to-talk signals; and

a transmitter coupled to the processor operative to send the push-to-talk data packet to the wireless communication network.

30. The mobile station as in claim 29, further comprising:

a second switch coupled to the transmitter, the second switch operative to select between normal operation and push-to-talk operation.

31. The mobile station as in claim 29, wherein the processor is further operative to generate push-to-talk requests.

32. The mobile station as in claim 29, wherein the mobile station is associated with a user that is a member of a push-to-talk private network and the private network is identified by an access number; and

wherein the processor is further operative to generate authentication information for confirming membership in the a private network.

33. The mobile station as in claim 29, further comprising:  
encryption means for encrypting data packets for transmission to the private network via the wireless communication network.

34. The mobile station as in claim 29, wherein the processor is further operative to interleave push-to-talk data packets with data packets.

35. The mobile station as in claim 34, further comprising:  
a vocoder for converting voice data into said data packets.

36. A method for private network communications, comprising:  
sending a push-to-talk request for initiating a push-to-talk communication in a  
private network, wherein the private network is accessed via a public switching telephone  
network; and  
transmitting a data packet to at least one other user in the private network.

37. (Cancelled)

38. (Cancelled)

39. (Cancelled)

40. In a wireless communication system, a network call manager, comprising:  
a network controller operative to process and route data packets transmitted within  
the wireless communication system; and  
a push-to-talk controller operative to process and route push-to-talk requests and  
private network data packets.

41. The network call manager as in claim 40, wherein the push-to-talk controller  
stores at least one access number associated with a first private network.

42. (Cancelled)

43. The network manager as in claim 40, wherein the push-to-talk controller is  
operative to receive more than one push-to-talk communications, wherein push-to-talk  
communications are processed according to an associated priority of each push-to-talk  
communication.

44. A wireless communication system, comprising:

a network call manager for facilitating private communications simultaneously among a plurality of mobile users, at least some of said plurality of mobile users being members of a private network, the network call manager comprising:

means for receiving a point-to-point transmission comprising a plurality of voice data packets and a point-to-multipoint transmission comprising a plurality of private network data packets;

means for directing point-to-point transmissions;

means for receiving a request for a point-to-multipoint transmission to the private network;

means for directing the point-to-multipoint data packets to the private network in response to the request; and

a private network of mobile stations operative to transmit point-to-point transmissions and point-to-multipoint transmissions.

45. An apparatus for enabling push-to-talk (PTT) communications, comprising:

means for generating vocoder frames;

means for generating a push-to-talk (PTT) frame;

means for interleaving the PTT frame with the vocoder frames to generate a combined data stream; and

means for transmitting the combined data stream over a wireless communication channel.

46. The apparatus of claim 45, further comprising means for encrypting the vocoder frames.

47. The apparatus of claim 45, further comprising means for generating authentication information for confirming membership in a private communication network.

48. The apparatus of claim 45 further comprising:  
means for receiving information associated with a private communication network;  
and

means for presenting the information associated with the private communication network to a user.

49. The apparatus of claim 48, wherein the information associated with the private communication network comprises an identification of an active member of the private communication network.

50. The apparatus of claim 48, wherein the information associated with the private communication network comprises an identification of members of the private communication network.

51. A network call manager for enabling push-to-talk (PTT) communications to a private communication network, comprising:

an interface to a public switched telephone network for receiving interleaved vocoder frames and PTT frames from a first member user;

a switch for providing the received vocoder frames to at least a second member user and a third member user; and

a PTT controller for configuring the switch based on a PTT request contained in one or more of said PTT frames.

52. The network call manager of claim 51, wherein said PTT controller is further for establishing individual forward links with said second member user and said third member user, respectively, through said interface.

53. The network call manager of claim 51 further comprising a network controller for paging said second member user and said third member user after said PTT request is received.

54. The network call manager of claim 51, wherein the interface comprises:  
a data interface connected to a public switched telephone network; and  
a modem connected to the data interface, the network controller, the switch, and the PTT controller.

55. The network call manager of claim 51, wherein the interface comprises:  
a data interface connected to a public switched telephone network; and  
a tone detector connected to the data interface, the network controller, the switch,  
and the PTT controller.

56. The network call manager of claim 53, wherein the network controller is further  
for sending a list of current participating member users in a PTT communication to said  
first member user, said second member user, and to said third member user.

57. The network call manager of claim 53, wherein the network controller is further  
for sending an identification of a currently active member user to said second member user  
and to said third member user.

58. The network call manager of claim 51, further comprising a queue for storing a  
second PTT request from the second member user, the second member user being granted a  
speaking privilege after the speaking privilege is no longer held by the first member user.

59. The network call manager of claim 51, wherein the network controller is further  
for authenticating a member user to the private communication network.

60. A signal-bearing medium tangibly embodying a program of machine-readable  
instructions executable by a digital processing apparatus to perform a method for enabling  
push-to-talk (PTT) communications, the method comprising operations of:  
generating vocoder frames;  
generating at least one PTT frame;  
interleaving the at least one PTT frame with the vocoder frames; and  
transmitting the interleaved at least one PTT frame and the vocoder frames over a  
wireless communication channel.

61. The signal-bearing medium of claim 60 further comprising operations of  
encrypting at least the vocoder frames prior to transmission.

62. The signal-bearing medium of claim 60, further comprising operations of generating authentication information for confirming membership in a PTT network.

63. The signal-bearing medium of claim 60, further comprising operations of: receiving information associated with a PTT network; and displaying the information associated with the PTT network to a user.

64. The signal-bearing medium of claim 63, wherein the information associated with the PTT network comprises an identification of an active member of the PTT network.

65. The signal-bearing medium of claim 63, wherein the information associated with the PTT network comprises an identification of members of the PTT.

66. A signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method for enabling push-to-talk (PTT) communications, the method comprising operations of:

receiving at least one PTT frame and vocoder frames from a member of a PTT communication network through a public switched telephone network;

granting a speaker privilege to the member in response to a PTT request contained within the at least one PTT frame;

establishing at least one forward communication link with the at least two other members of the PTT communication network; and

providing the data frames from the member to the at least two other members of the PTT communication network through the at least one forward communication link.

67. The signal-bearing medium of claim 66 wherein the operation of providing the vocoder frames from the member to the at least two other members of the PTT communication network comprise the operation of configuring a switch to route the vocoder frames to at least two other members of the PTT communication network.

68. The signal-bearing medium of claim 66 further comprising the operation of authenticating the member prior to granting the speaker privilege.

69. The signal-bearing medium of claim 66 further comprising the operation of sending a list of active members in the PTT communication network to the at least two other members.

70. The signal-bearing medium of claim 66 further comprising operations of: storing a second PTT request from a second member; and granting the speaker privilege to the second member after the speaking privilege is no longer held by the first member user.

71. A method for enabling push-to-talk (PTT) communications, the method comprising:

generating vocoder frames;  
generating at least one PTT frame;  
interleaving the at least one PTT frame with the vocoder frames; and  
transmitting the interleaved at least one PTT frame and the vocoder frames over a wireless communication channel.

72. The method of claim 71 further comprising operations of encrypting at least the vocoder frames prior to transmission.

73. The method of claim 71, further comprising generating authentication information for confirming membership in a PTT network.

74. The method of claim 71, further comprising:  
receiving information associated with a PTT network; and  
displaying the information associated with the PTT network to a user.

75. The method of claim 74, wherein the information associated with the PTT network comprises an identification of an active member of the PTT network.

76. The method of claim 74, wherein the information associated with the PTT network comprises an identification of members of the PTT.

77. A method for enabling push-to-talk (PTT) communications, the method comprising:

receiving at least one PTT frame and vocoder frames from a member of a PTT communication network through a public switched telephone network;

granting a speaker privilege to the member in response to a PTT request contained within the at least one PTT frame;

establishing at least one forward communication link with the at least two other members of the PTT communication network; and

providing the data frames from the member to the at least two other members of the PTT communication network through the at least one forward communication link.

78. The method of claim 77 wherein providing the vocoder frames from the member to the at least two other members of the PTT communication network comprise configuring a switch to route the vocoder frames to at least two other members of the PTT communication network.

79. The method of claim 77 further comprising authenticating the member prior to granting the speaker privilege.

80. The method of claim 77 further comprising sending a list of active members in the PTT communication network to the at least two other members.

81. The method of claim 77 further comprising:  
storing a second PTT request from a second member; and  
granting the speaker privilege to the second member after the speaking privilege is no longer held by the first member user.

REMARKSHISTORY

In the Office Action of December 30, 2002, claims 1 – 22 were allowed and claims 23 – 44 were rejected.

In applicants' amendment filed September 21, 2004, claims 1-44 were pending, claims 37 – 39 and 42 were canceled, and claims 45 – 81 were added. Additionally, applicants advanced arguments regarding the patentability of all of the claims.

OFFICE ACTION DATED MARCH 10, 2005

The examiner is thanked for the courtesy extended to the undersigned attorney during the telephone interview July 6, 2005. It is believed that this amendment is in compliance with the examiner's requirements, except for the "broadening" issue discussed below.

In the office action dated March 10, 2005, the examiner indicated that the response filed on September 21, 2004, was not fully responsive because new claims 23 – 36, 40 – 41, and 43 – 44 were in improper format.

It is believed that the amendment format for claims 23 – 36, 40 – 41, and 43 – 44 set forth herein is now proper and in accordance with 37 C.F.R. §1.173.

It is noted that during the prosecution of this application, new claims 28, 32, and 34 – 36 were added and subsequently amended.

Claims 37 – 39, and 42 have been canceled.

All of the claims are set forth above for the convenience of the examiner.

In the office action dated March 10, 2005, the examiner also suggested that applicants should provide a supplemental declaration because of the substantive amendments, as required by 37 C.F.R. 1.111.

Submitted herewith is a supplemental declaration for reissue application signed by three of the four coinventors. As previously indicated, coinventor, Eric J. Lekven, has become unavailable, and cannot be found or reached. Also accompanying this amendment is a petition under 35 U.S.C. §118 and 37 C.F.R. §1.47 requesting that the remaining coinventors be allowed to sign documents on behalf of coinventor, Eric J. Lekven.

During the telephone interview with the examiner on July 6, 2005, the examiner questioned whether broadened claims could be presented more than two years after the issue

date of the patent being reissued in a reissue application filed less than two years after that issue date. The examiner's attention is directed to MPEP §1412.03, (WHEN A BROADENED CLAIM CAN BE PRESENTED) which provides:

“A broadened claim can be presented within two years from the grant of the original patent in a reissue application. In addition, a broadened claim can be presented *after* two years from the grant of the original patent in a broadening reissue which was filed *within* two years from the grant.

Thus, it is proper to present broadened claims more than two years after the issue date of the patent being reissued in a reissue application filed less than two years after that issue date. The claims presented in this case, therefore, are proper.

#### CONCLUSION

It is believed that a full and complete reply has been made to the outstanding office action and that this application is in condition for allowance. If the examiner believes that personal communication will expedite prosecution of this application, the examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

---

Richard A. Bachand  
Reg. No. 25,107

QUALCOMM Incorporated  
5775 Morehouse Drive G-215G  
San Diego, CA 92121  
Tel.: (858) 845-8503



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Examiner: Dang T. Ton

Applicant: Yafuso et al.

Group Art Unit: 2666

Serial No.: 09/881,410

Filed: June 14, 200

For: METHOD AND APPARATUS FOR PROVIDING A PRIVATE COMMUNICATION SYSTEM IN A PUBLIC SWITCHED TELEPHONE

DECLARATION OF RICHARD A. BACHAND IN SUPPORT OF PETITION UNDER 35 U.S.C. §118 AND 37 C.F.R. §1.47 TO ALLOW COINVENTORS TO SIGN DOCUMENTS ON BEHALF OF INVENTOR WHO CANNOT BE FOUND OR REACHED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned, Richard A. Bachand, declares as follows:

- 1) I am an attorney of record in this case.
- 2) This application is assigned to QUALCOMM Incorporated, a corporation of the State of Delaware.
- 3) Upon information and belief,
  - a) a representative of assignee placed a first telephone call to coinventor, Eric J. Lekven, during the week of August 9<sup>th</sup> at the last known telephone number for him (760)632-9518, but was unable to reach coinventor, Eric J. Lekven, and although a voicemail message was left the representative did not receive a return telephone call and was not otherwise contacted.
  - b) a representative of assignee placed a second telephone call to coinventor, Eric J. Lekven, during the week of August 23<sup>rd</sup> at the last known telephone number for him (760)632-9518, but was unable to reach coinventor, Eric J. Lekven, and although a voicemail message was left the representative did not receive a return telephone call and was not otherwise contacted.
  - c) a representative of assignee caused a declaration to be mailed to coinventor, Eric J. Lekven, by overnight mail on September 10, 2004, and enclosed a postage paid self addressed envelope so the declaration could be returned. The declaration has not been returned.

d) a representative of assignee attempted to locate a new address and telephone number on September 15, 2004, by contacting the Human Resources Department of assignee and searching the internet, but could locate only the same last known address and telephone numbers.

4) On May 6, 2005, the undersigned made inquiry of the directory assistance service for the San Diego, California, to locate a telephone number for coinventor, Eric J. Lekven, and was given the same telephone number as that last known. The undersigned additionally conducted an internet search to attempt to find updated information to locate coinventor, Eric J. Lekven, but found only the same last known address and telephone number.

5) On the same day, May 6, 2005, the undersigned placed a third telephone call to coinventor, Eric J. Lekven, at his last known telephone number, but the telephone call was not answered, either by a person or answering machine; consequently, no message could be left.

6) On June 28, 2005, the undersigned placed a fourth telephone call to coinventor, Eric J. Lekven, at his last known telephone number, but the telephone call was not answered, either by a person or answering machine; consequently, no message could be left.

7) On June 30, 2005, the undersigned caused to be mailed to coinventor, Eric J. Lekven, via United States Postal Service Express Mail Service, mail label number EV544495649 (Exhibit A) the following documents:

- i) a declaration (Exhibit B),
- ii) a copy of an amendment containing all of the changes to the claims (Exhibit C),
- iii) a letter requesting coinventor, Eric J. Lekven, to sign and return the declaration (Exhibit D), and
- iv) a copy of the USPS Express Mail Number from a postage prepaid envelope for the purpose of enabling coinventor, Eric J. Lekven, to return the aforementioned documents (Exhibit E)

Because delivery can be tracked, signature was waived. As evidenced by the United States Postal Service tracking record (Exhibit F), delivery was made on July 5, 2005 to the last known address of coinventor, Eric J. Lekven.

Exhibits A – F are attached.

8) The last known address for Eric J. Lekven is 1655 Calliandra Rd., Carlsbad, CA

92009

9) The last known phone number for Eric J. Lekven is (760) 632-9518.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the reissue application, any patent issuing thereon, or any patent to which this declaration is directed.

Respectfully submitted,

---

Richard A. Bachand  
Reg. No. 25,107

QUALCOMM Incorporated  
5775 Morehouse Drive G-215G  
San Diego, CA 92121  
Tel.: (858) 845-8503

JUL 13 2005



PTO/SB/51S (09-04)

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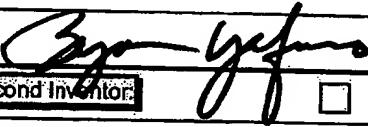
**SUPPLEMENTAL DECLARATION  
FOR REISSUE  
PATENT APPLICATION  
TO CORRECT "ERRORS" STATEMENT  
(37 CFR 1.175)**

Attorney Docket Number	QCPA235RE
First Named Inventor	BYRON YAFUSO
COMPLETE if known	
Application Number	09/381,410
Filing Date	JUNE 14, 2001
Art. Unit	2666
Examiner Name	DANG T. TOW

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

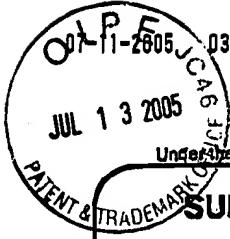
I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
BYRON	YAFUSO		
Inventor's Signature:			Date: 7/11/05
Name of Second Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
MATTHEW	GROB		
Inventor's Signature:			Date:
Name of Third Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
STEVEN	ROGERS		
Inventor's Signature:			Date:
Name of Fourth Inventor:	<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
ERIC J.	LEKVEN		
Inventor's Signature:			Date:

Additional inventors or legal representatives(s) are being named on the \_\_\_\_\_ supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03:13pm From-QUALCOMM INC

8586511940

T-579 P.002/002 F-625

PTO/SB/51S (09/04)

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**SUPPLEMENTAL DECLARATION  
FOR REISSUE  
PATENT APPLICATION  
TO CORRECT "ERRORS" STATEMENT  
(37 CFR 1.175)**

Attorney Docket Number	QCPA235RE
First Named Inventor	BYRON YAFUSO
COMPLETE if known	
Application Number	09/881,410
Filing Date	JUNE 14, 2001
Art Unit	2666
Examiner Name	DANG T. TON

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
BYRON	YAFUSO	
Inventor's Signature		Date
Name of Second Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
MATTHEW	GROB	
Inventor's Signature		Date
7/11/05		
Name of Third Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
STEVEN	ROGERS	
Inventor's Signature		Date
Name of Fourth Inventor:	<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
ERIC J.	LEKVEN	
Inventor's Signature		Date

Additional inventors or legal representative(s) are being named on the \_\_\_\_\_ supplemental sheets PTO/SB/02A or 02LR attached hereto.

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**SUPPLEMENTAL DECLARATION  
FOR REISSUE  
PATENT APPLICATION  
TO CORRECT "ERRORS" STATEMENT  
(37 CFR 1.175)**

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Attorney Docket Number:	QCPA235RE
First Named Inventor:	BYRON YAFUSO
COMPLETE if known	
Application Number:	09/381,410
Filing Date:	JUNE 14, 2001
Art. Unit:	2666
Examiner Name:	DAISY T. TON

I/We hereby declare that:

Every error in the patent which was corrected in the present reissue application, and which is not covered by the prior oath(s) and/or declaration(s) submitted in this application, arose without any deceptive intention on the part of the applicant.

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon:

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
BYRON	YAFUSO	
Inventor's Signature:	Date	
Name of Second Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
MATTHEW	GROB	
Inventor's Signature:	Date	
Name of Third Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
STEVEN	ROGERS	
Inventor's Signature:	Date 7/11/05	
Name of Fourth Inventor:	<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor	
Given Name (first and middle [if any])	Family Name or Surname	
ERIC J.	LEKVEN	
Inventor's Signature:	Date	

Additional inventors or legal representatives(s) are being named on the \_\_\_\_\_ supplemental sheets PTO/SB/02A or 02B attached hereto.

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If you need assistance in completing the form, call 1-800-PTO-8199 and select option 2.



75 Morehouse Drive, San Diego, CA 92121-1714 (858) 845-8503 Fax: (858) 658-2502

June 30, 2005

Mr. Eric J. Lekven  
1655 Calliandra Rd.  
Carlsbad, CA 92009

Via USPS Express Mail Service  
Mailing Label No: EV544495649US

Re: QUALCOMM reissue patent application:

For: METHOD AND APPARATUS FOR PROVIDING A PRIVATE  
COMMUNICATION SYSTEM IN A PUBLIC SWITCHED TELEPHONE  
NETWORK

Patent Number: 5,912,882  
Serial Number: 09/881,410  
Docket Number QCPA235RE

Dear Mr. Lekven:

QUALCOMM has filed an application seeking to reissue the referenced patent. You had participated in the preparation of this application, for which you signed the original reissue declaration on June 13, 2001.

As the prosecution of this case has continued, it is now necessary for the inventors to sign a new declaration, because amendments were made to the claims that were originally presented. I am enclosing a copy of the current claims for your reference.

Please review the current claims, then sign and date the enclosed declaration, and return it to me. I have enclosed a self-addressed, postage prepaid envelope for your use and convenience.

We have tried unsuccessfully to reach you during the past several months by telephone and mail. Please be advised that if we do not receive the enclosed declaration from you by July 9<sup>th</sup>, we will proceed to prosecute this application without you, and file a petition in the Patent Office to request that your co-inventors be allowed to sign this and other required papers on your behalf. We, therefore, strongly urge you to communicate with us in order that we can conclude this matter with you cooperation.

My contact information is set forth below.

Yours very truly,  
Richard A. Bachand

QUALCOMM Incorporated  
5775 Morehouse Drive G-215G  
San Diego, CA 92121  
Tel.: (858) 845-8503 Cell: (858)761-3891  
Email: [rbachand@qualcomm.com](mailto:rbachand@qualcomm.com)

*Sent out* EV544495649US

RAB/vjp

*Return* EV544495652US

EXHIBITA /D/E



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**SUPPLEMENTAL DECLARATION  
FOR REISSUE  
PATENT APPLICATION  
TO CORRECT "ERRORS" STATEMENT  
(37 CFR 1.175)**

Attorney Docket Number	QCPA235RE
First Named Inventor	BYRON YAFUSO
COMPLETE if known	
Application Number	09/881, 410
Filing Date	JUNE 14, 2001
Art Unit	2666
Examiner Name	DANG T. TON

I/We hereby declare that:

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I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
BYRON	YAFUSO		
Inventor's Signature		Date	
Name of Second Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
MATTHEW	GROB		
Inventor's Signature		Date	
Name of Third Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
STEVEN	ROGERS		
Inventor's Signature		Date	
Name of Fourth Inventor:	<input type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])	Family Name or Surname		
ERIC J.	LEKVEN		
Inventor's Signature		Date	

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*EXHIBIT B*



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Applicant: Yafuso, et al

Group Art Unit: 2666

Serial No.: 09/881,410

Examiner: Dang Ton

Filed: June 14, 2001

For: METHOD AND APPARATUS FOR PROVIDING A PRIVATE  
COMMUNICATION SYSTEM IN A PUBLIC SWITCHED TELEPHONE NEWORK

SECOND CORRECTED PRELIMINARY AMENDMENT IN REISSUE APPLICATION

IN RESPONSE TO OFFICE ACTION DATED 3/10/05

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir

In response to the Office Actions of December 30, 2002, May 18, 2004, and March 10, 2005, applicants resubmit this amendment. Please amend the above-identified application as follows:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

September 17, 2004  
(Date of Deposit)

Theresa Badet  
(Name of person making deposit)

(Signature)

## IN THE CLAIMS

For the convenience of the examiner, original, unamended claims 1 – 22 are set forth as follows:

1. (Original) In a communication system in which users communicate through a switched telephone network, a private communication network for facilitating communication among a plurality of member user telephone sets said private communication network comprising:

a network call manager including:

a telephone network interface for establishing a telephone connection with each of said plurality of member users over a plurality of channels of said switched telephone network, respectively,

a switch matrix, coupled to said telephone network interface, for providing an information signal received by said telephone network interface over one of said plurality of channels simultaneously to a plurality of others of said channels via said telephone network interface, and

a controller for configuring said switch matrix in response to talk request signals received over a selected one of said plurality of channels; and

a plurality of eligible member user telephone sets disposed for simultaneous communication over said plurality of channels, each of said eligible member user telephones sets including means for generating one of said talk request signals, at least some of said eligible member user telephone sets being connected to the private communication network through a wireless communications system.

2. (Original) The private communication network of claim 1 wherein said controller means including means for identifying said selected one of said plurality of channels by choosing among ones of said talk request signals received over corresponding ones of said plurality of channels.

3. (Original) The private communication network of claim 1 wherein a selected one of said plurality of authorized telephone sets includes:

vocoder means for digitally processing input information in order to produce a sequence of vocoder data packets, and

modem means for generating said information signal using said vocoder data packets.

4. (Original) The private communication network of claim 3 wherein said modem means includes means for multiplexing said talk request signal with said vocoder data packets and for using the result during formation of said information signal.

5. (Original) The private communication network of claim 1 wherein said controller means includes means for verifying that said information signal received over said selected one of said plurality of channels was generated by a given one of said plurality of authorized telephone sets.

6. (Original) The private communication network of claim 5 wherein said controller means includes means for configuring said telephone network interface to call other ones of said authorized telephone sets subsequent to receipt by said network call manager of said information signal from said given one of said plurality authorized telephone sets.

7. (Original) The private communication network of claim 1 further including wireless network means for operatively coupling one of said plurality of authorized telephone sets to a corresponding one of said plurality of channels.

8. (Original) The private communication network of claim 1 wherein each of said plurality of authorized telephone set includes means for generating an encrypted signal by encrypting an information signal provided by one of said member users, said encrypted signal being transmitted over a corresponding one of said plurality of channels.

9. (Original) The private communication network of claim 8 wherein each of said plurality of authorized telephone sets includes means for recovering one of said information signals from one of said encrypted signals transmitted over a corresponding one of said channels.

10. (Original) In a communication system in which users communicate through a switched telephone network, a network call manager for facilitating private communication simultaneously among a plurality of member user telephone sets, at least some of said member user telephone sets being connected to the private communication network through a wireless communications system, said network call manager comprising:

a telephone network interface for establishing a telephone connection with each of a plurality of said member user telephone sets, including at least a plurality of said member user telephone sets that are connected to the private communication network through the wireless communications system, over a corresponding plurality of channels of said switched telephone network;

a switch matrix, coupled to said telephone network interface, for providing an information signal received over a selected one of said plurality of channels simultaneously to other ones of said plurality of channels via said telephone network interface; and

controller means for configuring said switch matrix in response to control information received over at least one of said plurality of channels.

11. (Original) The network call manager of claim 10 wherein said controller means includes a controller for selecting said selected one of said plurality of channels in response to a talk request signal received over said selected one of said plurality of channels.

12. (Original) The network call manager of claim 11 further including wireless network means for establishing communication between at least one of said member users and said switched telephone network.

13. (Original) The network call manager of claim 12 wherein said controller means includes arbitration means for choosing said selected one of said plurality of channels on the basis of talk request signals received from ones of said member users over corresponding ones of said plurality of channels.

14. (Original) The network call manager of claim 13 wherein said controller means includes means for informing ones of said member users via corresponding ones of said

plurality of channels of the identity of a selected member user providing said information signal over said selected one of said plurality of channels.

15. (Original) The network call manager of claim 14 wherein said controller means includes means for informing at least one of said member users via a corresponding one of said plurality of channels of the identities of ones of said member users associated with corresponding ones of said plurality of channels.

16. (Original) In a private communication network system in which users communicate through a switched telephone network, a method for facilitating private communication among a plurality of eligible member user telephone sets, at least some of said eligible member user telephone sets being connected to the private communication network through a wireless communications system, said method comprising the steps of:

establishing a telephone connection between a network call manager and each of a plurality of telephone channels of said switched telephone network, each of said plurality of telephone channels being associated with one of said plurality of eligible member user telephone sets;

providing an information signal received at said network call manager over a selected one of said plurality of telephone channels from an active one of said eligible member user telephone sets simultaneously to a plurality of other ones of said eligible member user telephone sets over other ones of said plurality of telephone channels;

generating talk request signals substantially simultaneously at a plurality of said eligible member telephone sets for transmission to said network call manager via said switched telephone network; and

choosing said active eligible member user telephone set on the basis of said talk request signals received at said network call manager.

17. (Original) The method of claim 16 further including the step of identifying said selected telephone channel by choosing among ones of said talk request signals received over corresponding ones of said plurality of telephone channels.

18. (Original) The method of claim 16 further including the steps of digitally processing information from said active member user in order to produce a sequence of vocoder data packets for modem transmission to said network call manager.

19. (Original) The method of claim 16 further including the step of coupling said information signal from said active member user through a wireless communication network to said selected one of said plurality of telephone channels.

20. (Original) The method of claim 16 further including the steps of:  
encrypting information signals generated within the one of said plurality of telephone sets associated with said active member user;  
transmitting the encrypted information signals to said network call manager; and  
decrypting the encrypted information signals received from said network call manager at the ones of said plurality of telephone sets associated with said other ones of said member users.

21. (Original) In a communication system in which users communicate through a switched telephone network, a private communication network for facilitating communication among a plurality of member user telephone sets, said private communication network comprising:

a network call manager including:  
a telephone network interface for establishing a telephone connection with each of a plurality of telephone lines of said switched telephone network, each of said plurality of telephone lines being associated with one of said plurality of member user telephone sets,  
a switch matrix, coupled to said telephone network interface, for providing an information signal received over a selected one of said plurality of telephone lines simultaneously to other ones of said plurality of telephone lines via said telephone network interface, and  
controller means for configuring said switch matrix in response to talk request signals received over said plurality of telephone lines; and  
a plurality of eligible member user telephone sets, at least some of said eligible member user telephone sets being connected to the private communication network through

a wireless communications system, disposed for simultaneous communication over said plurality of telephone lines, each of said eligible member user telephone sets including means for generating one of said talk request signals.

22. (Original) The private communication network of claim 21 wherein said controller means including means for identifying said selected telephone line by choosing among ones of said talk request signals received over corresponding ones of said plurality of telephone lines.

Newly added claims 23 – 81 are as follows. Claims that have been amended during the prosecution of this application are indicated as “amended”:

23. (New) In a wireless communication system, a method comprising:  
transmitting a data frame;  
transmitting a push-to-talk frame subsequent to the data frame; and  
transmitting a second data frame subsequent to the push-to-talk data frame.

24. (New) The method as in claim 23, wherein the push-to-talk frame initiates a push-to-talk communication.

25. (New) The method as in claim 24, wherein the second data frame is directed to a private network.

26. (New) The method as in claim 23, further comprising:  
identifying the second data frame as a push-to-talk frame for communication in the private network.

27. (New) The method as in claim 23, wherein the second data frame is part of an encrypted message, the method further comprising:  
identifying a packet boundary of the encrypted message.

28. (Amended) A program embodied on a computer-readable medium containing computer-executable instructions to transmit a data signal structure embodied on a carrier wave, comprising:

a first set of instructions for transmitting [generating] a first vocoder [data] packet;  
a second set of instructions for transmitting generating a push-to-talk packet  
subsequent to the first vocoder packet; and  
a third set of instructions for transmitting [generating] a second vocoder [data]  
packet.

29. (New) A mobile station capable of voice communications through a wireless communication network, comprising:

a switch operative to generate push-to-talk signals;  
a processor coupled to the switch, operative to generate a push-to-talk data packet  
based on at least one of said push-to-talk signals; and  
a transmitter coupled to the processor operative to send the push-to-talk data packet  
to the wireless communication network.

30. (New). The mobile station as in claim 29, further comprising:  
a second switch coupled to the transmitter, the second switch operative to select  
between normal operation and push-to-talk operation.

31. (New) The mobile station as in claim 29, wherein the processor is further  
operative to generate push-to-talk requests.

32. (Amended). The mobile station as in claim 29 [31], wherein the mobile station  
is associated with a user that is a member of a push-to-talk private network and the private  
network is identified by an access number; and  
wherein the processor is further operative to generate authentication information for  
confirming membership in the a private network.

33. (New) The mobile station as in claim 29, further comprising:

encryption means for encrypting data packets for transmission to the private network via the wireless communication network.

34. (Amended) The mobile station as in claim 29, wherein the processor [mobile station] is further operative to interleave [generate] push-to-talk data packets [interleaved] with data packets.

35. (Amended) The mobile station as in claim 34, further comprising: a vocoder [means] for converting voice data into said [compressed voice] data packets [for transmission from the mobile station].

36. (Amended) A method for private network communications, comprising: sending a push-to-talk request for initiating a push-to-talk communication in a private network, wherein the private network is accessed via a public switching telephone network; and  
transmitting a [push-to-talk] data packet to at least one other user in the private network.

37. (Cancelled)

38. (Cancelled)

39. (Cancelled)

40. (New). In a wireless communication system, a network call manager, comprising:  
a network controller operative to process and route data packets transmitted within the wireless communication system; and  
a push-to-talk controller operative to process and route push-to-talk requests and private network data packets.

41. (New). The network call manager as in claim 40, wherein the push-to-talk controller stores at least one access number associated with a first private network.

42. (Cancelled)

43. (New) The network manager as in claim 40, wherein the push-to-talk controller is operative to receive more than one push-to-talk communications, wherein push-to-talk communications are processed according to an associated priority of each push-to-talk communication.

44. (New) A wireless communication system, comprising:  
a network call manager for facilitating private communications simultaneously among a plurality of mobile users, at least some of said plurality of mobile users being members of a private network, the network call manager comprising:  
means for receiving a point-to-point transmission comprising a plurality of voice data packets and a point-to-multipoint transmission comprising a plurality of private network data packets;  
means for directing point-to-point transmissions;  
means for receiving a request for a point-to-multipoint transmission to the private network;  
means for directing the point-to-multipoint data packets to the private network in response to the request; and  
a private network of mobile stations operative to transmit point-to-point transmissions and point-to-multipoint transmissions.

45. (New) An apparatus for enabling push-to-talk (PTT) communications, comprising:

means for generating vocoder frames;  
means for generating a push-to-talk (PTT) frame;  
means for interleaving the PTT frame with the vocoder frames to generate a combined data stream; and

means for transmitting the combined data stream over a wireless communication channel.

46. (New) The apparatus of claim 45, further comprising means for encrypting the vocoder frames.

47. (New) The apparatus of claim 45, further comprising means for generating authentication information for confirming membership in a private communication network.

48. (New) The apparatus of claim 45 further comprising:  
means for receiving information associated with a private communication network;  
and  
means for presenting the information associated with the private communication network to a user.

49. (New) The apparatus of claim 48, wherein the information associated with the private communication network comprises an identification of an active member of the private communication network.

50. (New) The apparatus of claim 48, wherein the information associated with the private communication network comprises an identification of members of the private communication network.

51. (New) A network call manager for enabling push-to-talk (PTT) communications to a private communication network, comprising:  
an interface to a public switched telephone network for receiving interleaved vocoder frames and PTT frames from a first member user;  
a switch for providing the received vocoder frames to at least a second member user and a third member user; and  
a PTT controller for configuring the switch based on a PTT request contained in one or more of said PTT frames.

52. (New) The network call manager of claim 51, wherein said PTT controller is further for establishing individual forward links with said second member user and said third member user, respectively, through said interface.

53. (New) The network call manager of claim 51 further comprising a network controller for paging said second member user and said third member user after said PTT request is received.

54. (New) The network call manager of claim 51, wherein the interface comprises: a data interface connected to a public switched telephone network; and a modem connected to the data interface, the network controller, the switch, and the PTT controller.

55. (New) The network call manager of claim 51, wherein the interface comprises: a data interface connected to a public switched telephone network; and a tone detector connected to the data interface, the network controller, the switch, and the PTT controller.

56. (New) The network call manager of claim 53, wherein the network controller is further for sending a list of current participating member users in a PTT communication to said first member user, said second member user, and to said third member user.

57. (New) The network call manager of claim 53, wherein the network controller is further for sending an identification of a currently active member user to said second member user and to said third member user.

58. (New) The network call manager of claim 51, further comprising a queue for storing a second PTT request from the second member user, the second member user being granted a speaking privilege after the speaking privilege is no longer held by the first member user.

59. (New) The network call manager of claim 51, wherein the network controller is further for authenticating a member user to the private communication network.

60. (New) A signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method for enabling push-to-talk (PTT) communications, the method comprising operations of:

generating vocoder frames;

generating at least one PTT frame;

interleaving the at least one PTT frame with the vocoder frames; and

transmitting the interleaved at least one PTT frame and the vocoder frames over a wireless communication channel.

61. (New) The signal-bearing medium of claim 60 further comprising operations of encrypting at least the vocoder frames prior to transmission.

62. (New) The signal-bearing medium of claim 60, further comprising operations of generating authentication information for confirming membership in a PTT network.

63. (New) The signal-bearing medium of claim 60, further comprising operations of:

receiving information associated with a PTT network; and

displaying the information associated with the PTT network to a user.

64. (New) The signal-bearing medium of claim 63, wherein the information associated with the PTT network comprises an identification of an active member of the PTT network.

65. (New) The signal-bearing medium of claim 63, wherein the information associated with the PTT network comprises an identification of members of the PTT.

66. (New) A signal-bearing medium tangibly embodying a program of machine-readable instructions executable by a digital processing apparatus to perform a method for enabling push-to-talk (PTT) communications, the method comprising operations of:

receiving at least one PTT frame and vocoder frames from a member of a PTT communication network through a public switched telephone network;

granting a speaker privilege to the member in response to a PTT request contained within the at least one PTT frame;

establishing at least one forward communication link with the at least two other members of the PTT communication network; and

providing the data frames from the member to the at least two other members of the PTT communication network through the at least one forward communication link.

67. (New) The signal-bearing medium of claim 66 wherein the operation of providing the vocoder frames from the member to the at least two other members of the PTT communication network comprise the operation of configuring a switch to route the vocoder frames to at least two other members of the PTT communication network.

68. (New) The signal-bearing medium of claim 66 further comprising the operation of authenticating the member prior to granting the speaker privilege.

69. (New) The signal-bearing medium of claim 66 further comprising the operation of sending a list of active members in the PTT communication network to the at least two other members.

70. (New) The signal-bearing medium of claim 66 further comprising operations of: storing a second PTT request from a second member; and granting the speaker privilege to the second member after the speaking privilege is no longer held by the first member user.

71. (New) A method for enabling push-to-talk (PTT) communications, the method comprising:

generating vocoder frames;

generating at least one PTT frame;  
interleaving the at least one PTT frame with the vocoder frames; and  
transmitting the interleaved at least one PTT frame and the vocoder frames over a  
wireless communication channel.

72. (New) The method of claim 71 further comprising operations of encrypting at  
least the vocoder frames prior to transmission.

73. (New) The method of claim 71, further comprising generating authentication  
information for confirming membership in a PTT network.

74. (New) The method of claim 71, further comprising:  
receiving information associated with a PTT network; and  
displaying the information associated with the PTT network to a user.

75. (New) The method of claim 74, wherein the information associated with the  
PTT network comprises an identification of an active member of the PTT network.

76. (New) The method of claim 74, wherein the information associated with the  
PTT network comprises an identification of members of the PTT.

77. (New) A method for enabling push-to-talk (PTT) communications, the method  
comprising:  
receiving at least one PTT frame and vocoder frames from a member of a PTT  
communication network through a public switched telephone network;  
granting a speaker privilege to the member in response to a PTT request contained  
within the at least one PTT frame;  
establishing at least one forward communication link with the at least two other  
members of the PTT communication network; and  
providing the data frames from the member to the at least two other members of the  
PTT communication network through the at least one forward communication link.

78. (New) The method of claim 77 wherein providing the vocoder frames from the member to the at least two other members of the PTT communication network comprise configuring a switch to route the vocoder frames to at least two other members of the PTT communication network.

79. (New) The method of claim 77 further comprising authenticating the member prior to granting the speaker privilege.

80. (New) The method of claim 77 further comprising sending a list of active members in the PTT communication network to the at least two other members.

81. (New) The method of claim 77 further comprising:  
storing a second PTT request from a second member; and  
granting the speaker privilege to the second member after the speaking privilege is no longer held by the first member user.

## REMARKS

### HISTORY

In the Office Action of December 30, 2002, claims 1 – 22 were allowed and claims 23 – 44 were rejected.

In applicants' amendment filed September 21, 2004, claims 1-44 were pending, claims 37 – 39 and 42 were canceled, and claims 45 – 81 were added. Additionally, applicants advanced arguments regarding the patentability of all of the claims.

### OFFICE ACTION DATED MARCH 10, 2005

In the office action dated March 10, 2005, the examiner indicated that the response filed on September 21, 2004, was not fully responsive because new claims 23 – 36, 40 – 41, and 43 – 44 were in improper format.

It is believed that the amendment format for claims 23 – 36, 40 – 41, and 43 – 44 set forth herein is now proper and in accordance with 37 C.F.R. §1.173.

It is noted that during the prosecution of this application, new claims 28, 32, and 34 – 36 were added and subsequently amended. Thus, claims 28, 32, and 34 – 36 set forth herein are marked as "amended," with deleted subject matter enclosed by brackets, as required by 37 C.F.R. §1.173(d). The remaining claims are marked as "new," meaning that they are new with respect to original patent number 5,912,882 for which reissue is sought.

Claims 37 – 39, and 42 have been canceled.

All of the claims are set forth above for the convenience of the examiner.

In the office action dated March 10, 2005, the examiner also suggested that applicants should provide a supplemental declaration because of the substantive amendments, as required by 37 C.F.R. 1.111.

Submitted herewith is a supplemental declaration for reissue application signed by three of the four coinventors. As previously indicated, coinventor, Eric J. Lekven, has become unavailable, and cannot be found or reached. Also accompanying this amendment is a petition under 35 U.S.C. §118 and 37 C.F.R. §1.47 requesting that the remaining coinventors be allowed to sign documents on behalf of coinventor, Eric J. Lekven,

### CONCLUSION

It is believed that a full and complete reply has been made to the outstanding office action and that this application is in condition for allowance. If the examiner believes that

personal communication will expedite prosecution of this application, the examiner is invited to telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge payment of any fees that may be required, or credit any overpayment, to Deposit Account No. 17 - 0026.

Respectfully submitted,



Richard A. Bachand

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*EXHIBIT F*